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May 11, 1999

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**BY HAND DELIVERY**

Magalie Roman Salas, Esquire

Secretary

Federal Communications Commission

1919 M Street, N.W., Room 222

Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: MM Docket No. 99-69  
RM-9468  
KROX-FM  
Giddings/Buda, Texas

Dear Ms. Salas:

Transmitted herewith, on behalf of LBJS Broadcasting Company, L.P., licensee of KROX-FM, Giddings, Texas, are an original and four copies of its "Reply Comments and Request for Expedited Action" with regard to the above-referenced proceeding.

Should any further information be required concerning this matter, please communicate with this office.

Very truly yours,

FLETCHER, HEALD & HILDRETH, P.L.C.



Anne Goodwin Crump

Counsel for LBJS Broadcasting Company, L.P.

Enclosures

cc: Roy J. Stewart, Esquire (with enclosure) **By Hand Delivery**  
Robert Ratcliffe, Esquire (with enclosure) **By Hand Delivery**  
John Karousos, Esquire (with enclosure) **By Hand Delivery**  
Andrew Rhodes, Esquire (with enclosure) **By Hand Delivery**

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BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM DOCKET NO. 99-69
Table of Allotments, FM Broadcast Stations.	)	RM-9478
(Giddings and Buda, Texas)	)	

Directed to: Chief, Allocations Branch

**REPLY COMMENTS AND REQUEST FOR EXPEDITED ACTION**

LBJS Broadcasting Company, L.P. ("LBJS"), licensee of Station KROX-FM, Giddings, Texas, by its attorneys, hereby respectfully submits its Reply Comments and Request for Expedited Action with regard to the Commission's *Notice of Proposed Rule Making*, DA 99-446, released March 5, 1999 ("*NPRM*"), in the above-captioned proceeding. Therein, the Commission proposed to amend Section 73.202(b) of its Rules, the Table of Allotments for FM Broadcast Stations, to reallocate Channel 268C1 from Giddings to Buda, Texas, as its first local transmission service. It further proposed that the license for KROX-FM be modified to reflect the new community of license. With respect thereto, the following is submitted:

1. Comments in the above-referenced proceeding were due on April 26, 1999. LBJS submitted its Comments, in which it reiterated its support for the proposal set forth in the *NPRM* to delete the allotment of Channel 268C1 at Giddings, to allocate the channel to Buda as its first local transmission service, and to modify the license of KROX-FM to specify the new community of license. No other party has submitted comments or a counterproposal.

2. Accordingly, LBJS's proposal is uncontested.<sup>1</sup> Moreover, prompt adoption of the changes proposed in the *NPRM* would serve the public interest. As set forth in LBJS's Comments, the proposed reallocation is in accordance with the Commission's policies as set forth in *Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990). Further, as LBJS demonstrated in its Comments and Petition for Rule Making, Buda is a flourishing community with a significant historical background. The town has a substantial population which more than tripled between the 1980 Census and the 1990 Census. Obviously, the community is in need of its own local aural transmission service.

3. Therefore, public interest factors weigh heavily in favor of a prompt adoption of the proposal set forth in the *NPRM*. In light of its growth and many businesses, Buda is clearly a community urgently in need of a first local service to provide both needed coverage of local issues and a local advertising outlet. As no comments other than those of LBJS were filed and the proceeding is uncontested, expedited action should not place an undue burden on the Commission's resources. Accordingly, LBJS hereby requests expedited action in this proceeding and that the proposal set forth in the *NPRM* be adopted forthwith.

WHEREFORE, in light of the foregoing, LBJS respectfully requests that the Commission amend the FM Table of Allotments to reallocate Channel 268C1 from Giddings to Buda, Texas, and

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<sup>1</sup> It would be inappropriate at this time for a third party to submit Reply Comments. The Comments filed by LBJS raise no new substantive matters that were not addressed in its Petition for Rule Making but rather were filed in order to comply with the Commission's requirements for proceeding forward with its proposal. Therefore, any matters to be addressed could and should have been raised by the initial comments deadline, and there is no new matter to which a party could reply.

modify the license of KROX-FM accordingly as proposed in the *NPRM* and that it take this action on an expedited basis.

Respectfully submitted,

LBJS BROADCASTING COMPANY, L.P.

By:

A handwritten signature in black ink, appearing to read "Anne Goodwin Crump". The signature is fluid and cursive, written over a horizontal line.

Howard M. Weiss  
Anne Goodwin Crump

Its Attorneys

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May 11, 1999

**CERTIFICATE OF SERVICE**

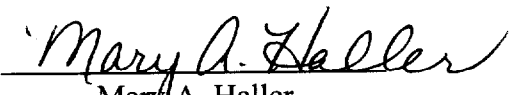
I, Mary A. Haller, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that true copies of the foregoing "Reply Comments and Request for Expedited Action" were hand-delivered this 11<sup>th</sup> day of May, 1999 to the following:

Roy J. Stewart, Esquire  
Chief, Mass Media Bureau  
Federal Communications Commission  
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Mary A. Haller